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December 11, 2003

TO: **Examiner Cephia D. Toomer**  
Art Unit 1714  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

FACSIMILE NO.: (703) 872-9306

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RE: Vinci; U.S. Patent Application Serial No. 09/432,539  
LUBRICANTS HAVING OVERBASED METAL SALTS AND ORGANIC  
PHOSPHITES  
Our Ref: 2926R-01

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## CERTIFICATION OF FACSIMILE TRANSMISSION

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(Signature of person mailing paper)

2926R-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

James N. Vinci

Serial No. 09/432,539

Filed: November 3, 1999

Group Art Unit: 1714

Examiner: C. Toomer

For: LUBRICANTS HAVING OVERBASED METAL SALTS AND ORGANIC  
PHOSPHITESRESPONSECommissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This paper is responsive to the Office Action mailed October 7, 2003 for which a three month period of response is given.

REMARKS

Claims 1-3, 6, 8-12 and 14-20 are pending in the application.

Claims 1-3, 6, 8-12 and 14-20 stand finally rejected as being anticipated under 35 USC §102(b) by Ichihashi et al (U.S. Patent 5,792,731). The Examiner states that Ichihashi et al teach a lubricating composition comprising a phosphorus extreme pressure